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OFFICE OF PETITIONS

In re Application of :
David A. Fish :
Application No. 10/597,096 : **ON PETITION**
Filed: July 11, 2006 :
Attorney Docket No. GB040020US1 :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed February 23, 2011.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be
submitted within TWO (2) MONTHS from the mail date of this
decision. Extensions of time under 37 CFR 1.136(a) are
permitted. The reconsideration request should include a cover
letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No
additional petition fee is due on renewed petition. This is not
a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to
timely file a reply in response to the Notice of Non-Compliant
Amendment, mailed July 12, 2010. This Notice set an extendable
period for reply of one month. No reply having been received,
the application became abandoned on August 13, 2010. The mailing
of this decision precedes the mailing of a Notice of Abandonment.

A grantable petition under 37 CFR 1.137(b) must be accompanied
by: (1) the required reply, unless previously filed; (2) the
petition fee as set forth in 37 CFR 1.17(m); (3) a statement that
the entire delay in filing the required reply from the due date
for the reply until the filing of a grantable petition pursuant
to 37 CFR 1.137(b) was unintentional; and (4) any terminal
disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by
37 CFR 1.137(d).

The instant petition lacks requirement (1) above.

Applicant has not submitted a reply to the July 12, 2010 Notice of Non-Compliant Amendment. Office records indicate that Applicant filed a partial, one page reply on February 16, 2011.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
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Office of Petitions